

Alternatives to European arrest warrants and pre-trial detention in EU cross-border proceedings: practical insights and perspectives

18 February 2021, 14.00 – 17.00 CET (Online)

AGENDA

14.00 - 14.30 Introduction and welcome

The webinar will start with a scene-setting discussion. In the introduction, Fair Trials will present the findings of our research on the obstacles to the use of alternative measures to the European arrest warrant (EAW) in cross-border proceedings, in the context of the long-standing crisis in EU prisons linked to the use of pre-trial detention.

Speaker: Laure Baudrihayé-Gérard, Europe Legal Director, Fair Trials

14.30 – 15.30 Session 1 – The resistance towards alternative measures to EAWs for prosecution

This session will focus on the obstacles to the use of the European Supervision Order (ESO) and the European Investigation Order (EIO) as alternative instruments to the EAW and pre-trial detention. Why are states reluctant to implement these instruments? Why are they still largely ignored by practitioners? The session also aims to identify any promising practices in the use of ESO and EIO, notably with regard to the current digitalisation of justice across Europe and the use of alternatives to pre-trial detention during the COVID-19 pandemic. The panellists' discussion will be followed by a session of questions and answers with participants.

Moderator: Cecilia Rizcallah, Visiting Professor, Université Saint Louis / Post-doctoral researcher, Belgian National Fund for Scientific Research / EAW-ALT Project Partner for Belgium

Speakers: Lukáš Starý, Chair of the Board on Relations with Partners and National Member for Czechia, EUROJUST
James McGuill, Lawyer, Macguill & Company and Vice President of the Council of Bars and Law Societies of Europe (CCBE)
Fabrizia Bemer, International Judiciary Cooperation, Public Prosecutor's Office of Florence, Italy
Vânia Costa Ramos, Lawyer, Carlos Pinto de Abreu e Associados and Vice Chair of the European Criminal Bar Association (ECBA)

15.30 – 15.45 Break



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15.45 – 16.45 Session 2 – The need for EU action on pre-trial detention, discrimination and procedural safeguards

This session will address one of the main obstacles to the use of alternative instruments in the pre-trial stage of the proceedings: the overreliance on detention in cross-border proceedings and the overuse of pre-trial detention for non-nationals or non-residents. This session will explore how to overcome this systemic discrimination and the automatic recourse to pre-trial detention. The panellists' discussion will be followed by a session of questions and answers with participants.

Moderator: Nora Katona, Researcher, Ludwig Boltzmann Institute of Fundamental and Human Rights / EAW-ALT Project Partner for Austria

Speakers: Matylda Pogorzelska, Project Manager, European Fundamental Rights Agency
Constance Ascione Le Dréau, Lawyer, Visconti & Grundler
Stefano Montaldo, Associate Professor of EU law, University of Turin

16.45 – 17.00 Closing remarks

Speaker: Laure Baudrihayé-Gérard, Europe Legal Director, Fair Trials



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